

# **HIPAA Privacy Rule Checklists**

## **Section 164.522 – Rights to Request Privacy Protection**

**Prepared by the  
NCHICA Consent and Patients Rights Work Group  
Privacy and Confidentiality Focus Group**

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## HIPAA Privacy Rule Checklists Section 164.522 – Rights to Request Privacy Protection

### I. Right of an Individual to Request Restriction of Uses and Disclosures

- a. A covered entity must permit an individual to request that the covered entity restrict:
  - i. \_\_\_\_ Uses or disclosures of protected health information about the individual to carry out treatment, payment, or health care operations;
  - ii. \_\_\_\_ Disclosures of protected health information to a family member, other relative, or a close personal friend of the individual, or to any other person identified by the individual, directly relevant to such person's involvement with the individual's care or payment related to the individual's health care; *and/or*
  - iii. \_\_\_\_ Disclosures or uses of protected health information to notify, or assist in notifying, a family member, a personal representative of the individual, or another responsible person, of the individual's location, general condition, or death.
- b. A covered entity is not required to agree to a restriction, but if the covered entity does agree to the restriction, it must adequately document the restriction.
- c. A covered entity that agrees to a restriction may use or disclose protected health information in violation of such restriction, **only**:
  - i. \_\_\_\_ If the individual who requested the restriction is in need of emergency treatment and the restricted protected health information is needed to provide the emergency treatment, the covered entity may use, or disclose to a health care provider, the restricted protected health information to provide such treatment to the individual; *and*
  - ii. \_\_\_\_ If restricted protected health information is disclosed to a health care provider for emergency treatment, the covered entity must request that such health care provider not further use or disclose the information.
- d. An agreed-upon restriction is not effective to prevent uses or disclosures permitted or required to an individual, for facility directories, or for public policy reasons.

### II. Terminating a Restriction

A covered entity may terminate its agreement to a restriction if *one* of the following elements is satisfied:

- a. \_\_\_\_ The individual agrees to or requests the termination in writing;
- b. \_\_\_\_ The individual orally agrees to the termination and the oral agreement is documented; *or*
- c. \_\_\_\_ The covered entity informs the individual that it is terminating its agreement to a restriction.  
*Note:* Such termination is effective only with respect to protected health information created or received after it has so informed the individual.

### III. Confidential Communications

- a. A covered health care provider or health plan **must** permit individuals to request, and must accommodate reasonable requests by individuals, to receive communications of protected

health information from the covered health care provider or health plan by alternative means or at alternative locations; *and*

- i. \_\_\_\_ A health plan must permit the individual to receive such information if the individual clearly states that the disclosure of all or part of that information could endanger the individual.
- b. A covered entity **may** require the individual to make a request for a confidential communication in writing.
- c. A covered entity **may** condition the provision of a reasonable accommodation on:
  - i. \_\_\_\_ When appropriate, information as to how payment, if any, will be handled; *and*
  - ii. \_\_\_\_ Specification of an alternative address or other method of contact.
- d. A covered entity **may not** require an explanation from the individual as to the basis for the request as a condition of providing communications on a confidential basis.
- e. A health plan **may** require that a request contain a statement that disclosure of all or part of the information to which the request pertains could endanger the individual.